



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building

One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

November 7, 2012

BY ELECTRONIC MAIL

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
Daniel P. Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

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DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 11-7-12

**Re: *United States v. Fahd Hussain, et al.*,
S1 12 Cr. 45 (RJS)**

Dear Judge Sullivan:

I am writing respectfully to request a conference before the Court tomorrow, November 8, 2012, after the Court's trial day ends.

As the Court is aware, the Court's schedule and the schedules of all counsel were significantly disrupted by Hurricane Sandy and its aftermath. Additionally, as the parties have discussed with the Court, other potential issues exist that might further strain the schedule – including a possible “*Daubert*-style” motion regarding cell site location information that could, potentially, require one or more evidentiary hearings and the trial schedules of certain counsel.

The Government has communicated with counsel for all parties and the parties have agreed respectfully to request a conference before the Court tomorrow, November 8, 2012, after the Court's trial day ends, in order to discuss scheduling, including whether the trial should go forward as originally contemplated or if it should be adjourned. Alice L. Fontier, Esq. and George Vomvolakis, Esq. are presently out of town, but have informed the Government that James Roth, Esq. is aware of their schedules and concerns and will stand up for them. It is unclear whether Steven Brill, Esq. can appear in person, but he has stated that, if he cannot, he will either appear by telephone or give another attorney his proxy.

Accordingly, the parties respectfully request that the Court set a conference for November 8, 2012, at 4:45 p.m., or at such time as is convenient for the Court.

Hon. Richard J. Sullivan
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As always, please feel free to contact me with any questions or issues.

Respectfully submitted,

PREET BHARARA
United States Attorney

Michael D. Maimin
Digitally signed by Michael D. Maimin
DN: cn=Michael D. Maimin, o=United
States Attorney's Office for the Southern
District of New York, ou,
email=Michael.Maimin@usdoj.gov, c=US
Date: 2012.11.07 15:54:27 -0500

By:

Michael D. Maimin
Assistant United States Attorney
Southern District of New York
(212) 637-2238

cc: Steven G. Brill, Esq. (via electronic mail)
Alice L. Fontier, Esq. (via electronic mail)
Ronald L. Garnett, Esq. (via electronic mail)
James M. Roth, Esq. (via electronic mail)
George Vomvolakis, Esq. (via electronic mail)

The Court GRANTS the parties' request. Accordingly, IT IS HEREBY ORDERED that the parties shall appear for a status conference on November 9, 2012 at 4:45 p.m. in Courtroom 23A.

SO ORDERED
Date:

11/7/12


RICHARD J. SULLIVAN
U.S.D.J.